IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 388 of 2002

Between:

Dr. V. Sivarama Krishna Rao, S/o. late V.Chidanandham,
Ex-MLA, Badvel, Cuddapah District

..... PETITIONER

AND

1 The Government of Andhra Pradesh, reptd by its

Secretary- Irrigation and CAD (PW: TGP.II)Dept.,
Secretariat, Hyderabad.
2 The Special Collector, Telugu Ganga Project, Nellore.
3 The Superintending Engineer, Somasila project, Nellore.
4 The Special Deputy Collector,Telugu Ganga Project, Rajampet, Cuddapah Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus, or any other appropriate Writ, order or direction, directing the respondents (a) to review all the awards in respect of payment of compensation to the structures in patta lands as detailed in reports dt.22.11.2001 of the Special Collector and 20.2.2001(b) to declare Govt. Memo dt.23.10.2001 as illegal to the extent of the disbursement of the amounts to the constructions in the patta lands also where awards have been passed (c) to direct the respondents to conduct a detailed enquiry and initiate appropriate action against the persons responsible for attempting to draw amounts illegally without entitlement (d) any other such order which may deem fit and necessary in the circumstances of the case.

Counsel for the Petitioner: MR.C.NAGESWARA RAO

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV. AND GP FOR LAND ACQUISTION

The Court made the following:

ORDER: **(per Hon'ble The Chief Justice)**

On 23.10.2001, the Secretary to Government, Irrigation and CAD (PW:TG.II) Department, issued directions to the Special Collector, Telugu Ganga Project, Nellore and to the Chief Engineer, Telugu Ganga Project, Srikalahasti, to take necessary action in the matter to complete the process of acquisition of land by disbursement of the amount of compensation and where awards have not been passed, the field functionaries shall de-nova examine the structures for their genuineness and proper valuation and to make joint inspections and video-graphing of all lands. On 22.11.2001, the Special Collector, Telugu Ganga Project, Nellore, wrote a letter to the Secretary to Government inviting attention to G.O.Ms.No.31109/Telugu Ganga Project 11(2)/2000-2 dated 03.11.2000 and G.O.Ms.No.2203/Telugu Ganga Project II(2)-2001-2 dated 23.10.2001 and made a reference to a detailed report submitted earlier and sought permission to issue directions that process of compensation will be completed by making payment of money for the lands but withhold the payment of money for bogus structures and amount will be released only after establishment of the genuineness of the structures constructed on the patta lands.

The petitioner in this writ petition after narrating the history submits that this is a fit case where directions have to be issued to the respondents to review the awards in respect of payment of compensation to the structures in the patta lands and to declare G.O.Ms.No.2203 dated 23.10.2001 as illegal. He seeks a further direction to the respondents to conduct a detailed enquiry and initiate appropriate action against the persons responsible for attempting to draw amounts to which they are not entitled.

Counter-affidavit has not been filed despite opportunity being given.

We have duly considered the submissions and gone through the record. We do not narrate the facts in detail, but the facts are apparent on record. Once an award is made, there is no question of reviewing the same since the power of review is not available. However, after 23.10.2001, an order was passed wherein the Collector did seek permission and also wrote a letter on 22.11.2001 to the Secretary to Government stating that so far as the market value of the land is concerned, the same will be paid as per the award, but so far as the structures are concerned, the persons concerned will have to prove the genuineness of the structures raised therein and only on proof of genuineness of the structures, the payment of compensation will be made as per the award. We are also of the view that since there was vagueness in G.O.Ms.No.2203 dated 23.10.2000, the Special Collector is justified in issuing directions as reflected in his letter dated 22.11.2001 and the directions issued in G.O.Ms.No.2203 dated 23.10.2001 shall be read as explained by the Collector in his letter dated 22.11.2001.

The writ petition shall accordingly stands disposed of. No order as to costs.

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(DEVINDER GUPTA, CJ)

14.02.2005

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(B.SESHASAYANA REDDY, J)

DR

To

1 The Government of Andhra Pradesh, reptd by its

Secretary- Irrigation and CAD (PW: TGP.II)Dept.,
Secretariat, Hyderabad.
2 The Special Collector, Telugu Ganga Project, Nellore.
3 The Superintending Engineer, Somasila project, Nellore.
4 The Special Deputy Collector,Telugu Ganga Project, Rajampet, Cuddapah Dist.

5 2 CCs to Government Pleader for Irrigation &n Command Area Development,

High Court Buildings, Hyderabad. (OUT)

6 2 CD copies